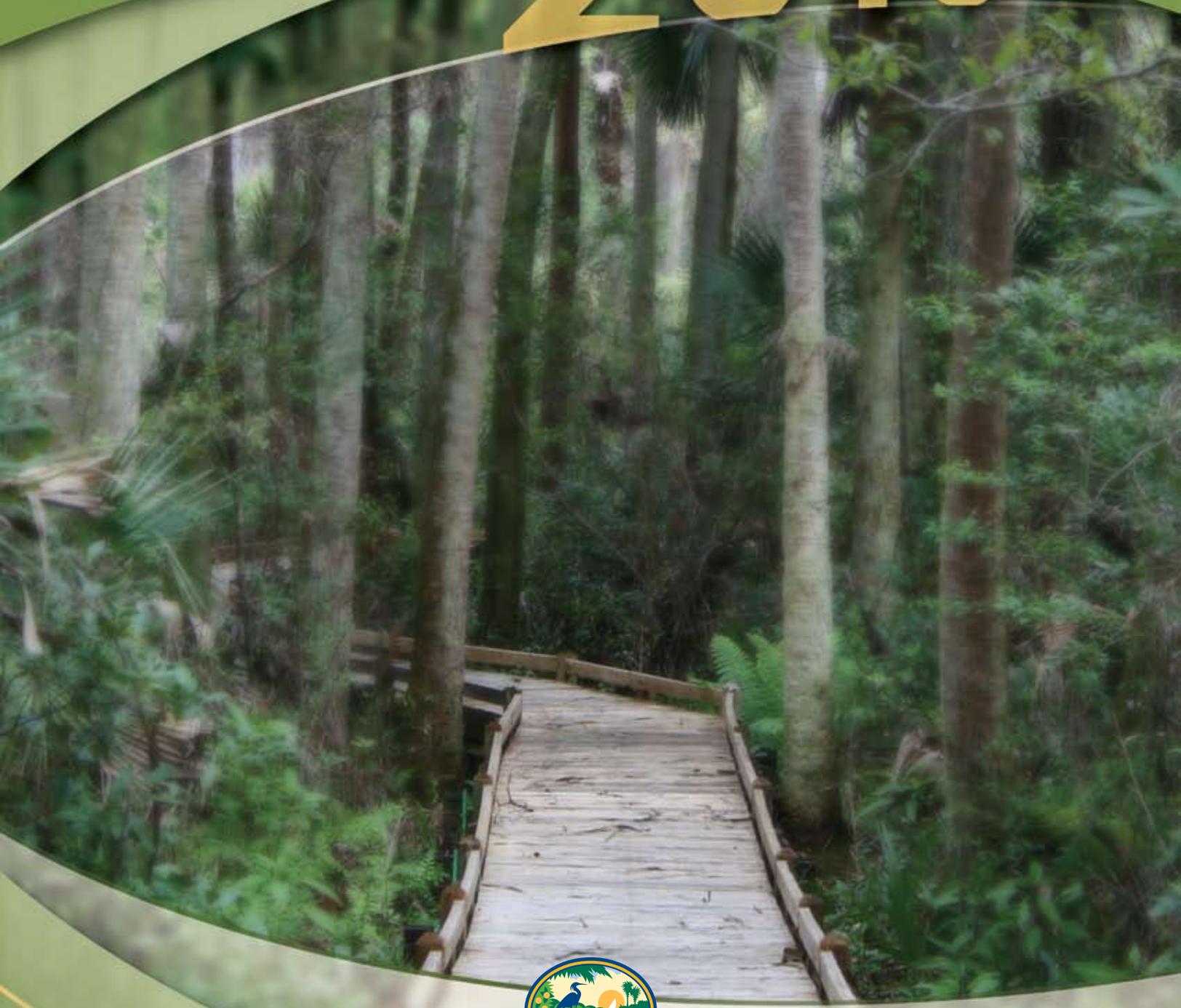


Legislative Positions

2010



LAKE COUNTY
FLORIDA

Legislative Positions for 2010

Tab

Social Services

Increase State Aid to Libraries Operating Grant Appropriations 1

Transportation

Request for Funding for New Mobility Center for Lake County Public Transportation 2

Funding for the Transportation Disadvantaged Program 3

Ensure that State Agencies Adhere to Chapter 427.0135 under the Transportation Disadvantaged Program 4

Funding for Wekiva Parkway and 46 Bypass 5

Request to Index Local Option Gas Taxes to Consumer Price Index 6

Public Safety

Request funding to build an Emergency Operation Center 7

Environmental

Request Changes to Florida Fish and Wildlife Conservation Commissioner's Gopher Tortoise Permitting Guidelines Relating to Need for Conservation Easement Over Long-Term Protected Recipient Sites 8

Request Changes to Water Mgmt. District Enabling Legislation With Regard to Enhanced Water Conservation Initiatives 9

Request Changes to Water Resources Legislation with Regard To Establishment of Irrigation Wells 10

Request Changes to Water Management District Enabling Legislation With Regard to Public Interest Determination 11

Other

Request Support of Legislation Prohibiting Inmates Sentenced for 366 Days or More From Serving Their Sentences in County Jails 12

Increase State Aid to Libraries Operating Grant Appropriations

Position

The Lake County Board of County Commissioners requests that the Lake County Legislative Delegation support and advocate for an increase in State Aid to Libraries Operating Grant program funding. The Lake County Board of County Commissioners especially would like to express its appreciation to those members of the Lake County Delegation who supported the restoration of State Aid Funding when it was faced with elimination.

Background/Justification

The State Aid to Libraries Operating Grant program is a continuing State grant program, authorized under Chapter 257, Florida Statutes. State Aid provides financial encouragement for all 67 counties to provide freely accessible public library services to those taxed for the service. It fosters the growth and innovation of new ideas to provide library and information services to the residents of Florida based on local service plans. This grant program matches local expenditures for library operations at a rate of up to 25 cents on each local dollar of expenditure. The state match reached a high of 11 cents on the dollar in FY 98/99 and has steadily decreased since then.

State Aid to Libraries Operating Grant Allocations

Fiscal Year	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Appropriation	\$32.4 million	\$31.8 million	\$31.8 million	\$31.8 million	\$32.0 million	\$30.7 million	\$23.4 million	\$21.3 million
State Match	8.25 Cents	7.0 cents	6.6 cents	5.4 cents	4.6 cents	4.1cents	3.1 cents	2.3 cents Est.
Total State Local Match	\$4.2 million	\$5.4 million	\$5.4 million	\$6.1 million	\$6.7 million	\$7.1 million	\$8.7 million	\$8.6 million
Lake County Match	\$445,543	\$377,188	\$357,325	\$333,515	\$308,289	\$279,501	\$239,312	\$193,179 Est.
Difference	\$143,686	(\$68,355)	(\$19,863)	(\$23,673)	(\$25,226)	(\$28,788)	(\$40,189)	(\$46,133)
State Aid at 9.18 match	\$495,720	\$495,720	\$495,720	\$559,980	\$615,060	\$651,780	\$798,660	\$789,480
Lost Funds	\$50,177	\$118,532	\$138,395	\$226,465	\$306,771	\$372,279	\$559,348	\$596,301

*Based on a State Match of 9.18 cents to every local dollar expended in FY 01/02, **Lake County has lost a total of \$2.4 million in potential funding since FY 01/02.***

Lake County's State Aid grant funds are used to support system-wide technology infrastructure including public access computers, subscriptions to web based reference databases for public use, and the county-wide literacy programs. State and Federal government offices such as Elections Offices, DCF, Immigration, Motor Vehicles, etc. are increasingly relying on public libraries to provide citizens with e-government services and assistance with online filings, registrations and appointments. As the State considers continued reductions to statewide service levels, Legislators should be cognizant of how those services will be provided. Public libraries are increasingly acting as surrogates for state and federal agencies in service delivery.

Appropriation Amount

A minimum funding level of \$25,000,000 is requested in recurring and non-recurring funds.

Fiscal Impact

Lake County has not had an increase in State Aid since FY 2002/2003. Please see the chart above for a detailed picture of the steady decline in state revenues coming to Lake County. Since FY 02/03 state revenues have decreased while Lake County's match has increased. Two online databases subscriptions "Gale Literature Resource Center" and "Gale Business and Company Resource Center" were cancelled and funding for computer replacement, literacy and youth materials was reduced. Additional cuts will have to be made in FY09/10 due to an estimated additional reduction of \$46,133.

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Request for Funding for New Mobility Center for Lake County Public Transportation

Position

The Lake County Board of County Commissioners is requesting funding to build a transit mobility center. The cost of the facility is estimated at \$8,800,000 and the County is seeking \$8,000,000 from the State and the County will provide a ten percent local match.

Background/Justification

Lake County Public Transportation Division began fixed route transportation services on May 21, 2007 from the Villages to Eustis, with a circulator route in Leesburg. On July 1, 2008 a third route was started in Mount Dora and on July 1, 2009 a fourth route was started in Altoona which connected LakeXpress with Central Florida Regional Transportation Authority (Lynx) in Zellwood.

With the connection to Lynx we are now part of a regional transportation system whereby an individual from Sumter and Marion Counties may board LakeXpress in the Villages and navigate the system to Orange, Osceola and Seminole Counties via Lynx.

We also contract with Lynx to operate an express service from a Park-in Ride Lot at US 27 and SR 50 to downtown Orlando as well as for services in the Four Corners area along US 27 and 1-92.

With the Bureau of Census estimating the population of Lake County at 307,243 residents, the challenging economic times, the County's initiative to go green and the ongoing demand for public transportation services it is important that a transit mobility center be constructed to better serve the citizens of Lake County and the region.

Currently we are a full brokerage system with the county providing maintenance and oversight of the program. Our transit program operates out of three different facilities. Maintenance and the operations are done in Leesburg and oversight is done out of Tavares.

The maintenance facility that we use is out dated and is not adequate to sufficiently meet all of our needs. The maintenance facility lacks adequate parking for the transit fleet, and the drivers personal vehicles. It also does not have enough work bays. In addition we don't have an appropriate area to empty the fareboxes, or adequate office space for the dispatcher or a break room for the drivers. There is only one unisex restroom. The current facility also is not adequate to provide a bus wash and it does not have any mechanic pits.

Our existing facility also lacks safety and security features needed in the aftermath of 911.

Our control operator operates out of a leased space about two miles away from the maintenance facility which makes it challenging to be as efficient as we would desire in meeting the operational, maintenance and service needs of our transit system.

The proposed facility would serve as the transit operations and maintenance facility and it would also house County staff associated with our public transportation operations and the MPO staff.

Appropriation Amount

The local appropriation request is \$8,000,000 for the initial engineering, design, site development, permitting and construction costs.

Appropriation Amount

The total project cost is \$8,800,000 of which the County is requesting \$8,000,000 from the State appropriations. The local fiscal impact will be \$880,000.

Staff Contact

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Funding for the Transportation Disadvantaged Program

Position

The Lake County Board of County Commissioners would like to solicit the continuous support of our Lake County Legislative Delegation for the Transportation Disadvantaged Program administered through the Commission for Transportation Disadvantaged.

Background/Justification

The Transportation Disadvantaged Program was established by the Legislature in 1979 and enhanced in 1989 with the creation of the independent Commission for the Transportation Disadvantaged, and the establishment of the Transportation Disadvantaged Trust Fund which is a dedicated funding source for the program.

The purpose of the program is to ensure the statewide availability of efficient, cost-effective, and quality transportation services for our transportation disadvantaged citizens. Through coordination of multiple funding sources at the local level, the funds are maximized to provide citizens with the vital transportation services they need.

Florida's seniors, the disabled, low income, and children at risk who have no other form of transportation depend on the Transportation Disadvantaged Trust Fund to assist them with daily transportation needs. Transportation is provided for such purposes as doctors and medical appointments, grocery shopping and other nutritional activities, employment, job training, educational purposes or to obtain other essential services of daily living that are not sponsored by any other funding source.

The Transportation Disadvantaged Trust Fund is funded at approximately \$36,769,071 this year to provide trips to Florida's most vulnerable populations when no other funding sources are available. With more and more of Florida's population becoming eligible for the transportation disadvantaged program additional funding is needed to continue to provide this needed service throughout the State and in Lake County.

According to statistics from the CTD in fiscal year 2008 a total of 1,009,436 trips were denied to elderly, disabled and low income individuals in FY 2008. The following dollar amounts show the lost revenue due to these trips being denied:

- ②. Medical Unmet Trips- 16,203,714
- ②. Employment Unmet Trips- 8,674,243
- ②. Education/Training Unmet Trips- 10,547,852
- ②. Nutritional Unmet Trips- 6,996,297
- ②. Life-Sustaining/Other Unmet Trips- 7,847,891

The trip denials are based on conservative data because it does not reflect those denials that are not being documented because residents are not aware that the program exists, or the denials that occur for individuals needing evening and weekend services.

Appropriation Amount

The Commission for Transportation Disadvantaged current year budget is \$36,769,071. The funding is dispersed among the 67 counties based upon the formula contained in the Statute. Of the total funds 97% are used to fund the grant program and the Commission uses 3% for their operational costs.

Fiscal Impact

The current statewide fiscal impact is \$36,769,071. Lake County share is currently \$514,242. We are requesting that the Legislature keep the funding for this program intact for the 2009/10 fiscal year.

Staff Contact

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Ensure that State Agencies adhere to Chapter 427.0135 under the Transportation Disadvantaged Program

Position

The Lake County Board of County Commissioners respectfully requests that the Legislature mandate that State agencies pay the rates established in the transportation disadvantaged service plan or negotiated statewide contract pursuant to Chapter 427.0135.

Background/Justification

Florida Statute Chapter 427.0135 (2) states that "Purchasing Agencies are required to pay the rates established in the service plan or negotiated statewide contract, unless the purchasing agency has completed the procedure for using an alternative provider and demonstrated that a proposed alternative provider can provide a more cost-effective transportation service of comparable quality and standards or unless the agency has satisfied the requirements of subsection 3)".

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(5)(f)13., or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

Currently we provide trips under the Medicaid-Wavier Program for the Agency for Persons with Disabilities (APD) and we are being reimbursed at a rate far below our actual cost. For years we have been trying to negotiate a new rate but ADP has insisted that they couldn't pay the established rates.

During the 2008/09 fiscal year we provided 19,159 trips for Med-Waiver clients at a cost of \$391,718.37. We were reimbursed \$207,360.85 which left us with a deficit of \$182,521.18.

Because the Med-Waiver Program does not pay the fully allocated trip costs several Community Transportation Coordinators have stopped providing trips under this program.

Appropriation Amount

To comply with the mandate of Chapter 427.0135 adequate funds would need to be appropriated on a statewide level for each Community Transportation Coordinator to be paid the rates established in their Transportation Disadvantaged Service Plan.

Fiscal Impact

The fiscal impact for Lake County would be the fully allocated cost of the program at \$391,418.37 per year.

Staff Contact

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Funding for Wekiva Parkway and 46 Bypass

Position

The Lake County Board of County Commissioners requests that the Florida Legislature fund the FDOT adequately to support the SR 46 Bypass portion of the Wekiva Parkway Project and to address the non-toll portion of the project for Lake County residents to access Seminole County. The Lake County Board of County Commissioners further requests that the Florida Legislature support the Wekiva Parkway project as included in the Wekiva Parkway Act, FS 369, of 2004.

Background/Justification

Lake County Board of County Commissioners wishes to thank the Florida Legislative for their support in funding the Wekiva Parkway and SR 46 Bypass Project and for the implementation of the recommendation from the Development and Environment (PD&E) Study.

Lake County supports and encourages the coordination effort by Florida Department of Transportation and Orlando Orange County Expressway Authority to move the Wekiva Parkway and SR 46 Bypass Project to the construction phase consistent to the Wekiva Parkway and Protection Act, which was signed into law by the Governor in June 2004.

Staff Contact

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Index Local Option Gas Taxes to the Consumer Price Index in a Manner Similar To the Current Indexing of State Gas Taxes

Position

The Lake County Board of County Commissioners requests that the Florida Legislature consider revisions to the laws enacting and regulating the above referenced fuel taxes that are available to Florida counties.

The Lake County Board of County Commissioners requests these fuel taxes be indexed to the Annual Consumer Price Index in a manner similar to the State motor fuel and special fuel sales tax.

Background/Justification

The sale of fuel by the gallon is not increasing in the State of Florida at the same rate as inflation. Therefore, local government revenues are not increasing enough to maintain the current Level of Service for road maintenance and construction. Lake County supports indexing the gas taxes to match the rate of inflation in the same manner that the State gas taxes are indexed.

The indexing of these fuel taxes will enable local governments to maintain the current level of service for road maintenance and construction, by providing funds to match the rate of inflation.

Source of Present Law - Chapters 206 (Parts I & II), 212 (Part I) and 336, Florida Statutes.

Staff Contact

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(352) 253-4905

Lake County Emergency Operations Center Construction

Position

Lake County request \$2,300,000 to complete our funding needs to build an Emergency Operation Center.

Background/Justification

General Fund allocation to construct a full-time, dedicated Emergency Operations Center (EOC). In the absence of an EOC, Lake County has been forced to utilize a training room converting it on an “as needed” basis. This arrangement is totally inadequate. Nearly 300,000 citizens in Lake County depend on our emergency management capabilities in a time of crisis, and a fully functional emergency operations center is critical to meeting this need. A review of recent events clearly supports our request: Tropical Storm Fay in August 2008; the Lake Tracy Wildfires in May 2008; the DeLand Complex fires in May 2007; and the Groundhog Day Tornadoes of February 2007. The Groundhog Day Tornadoes resulted in 21 deaths and a major Presidential disaster declaration. Tropical Storm Fay resulted in Individual Assistance and Public Assistance Presidential disaster declarations for Lake County.

The facility is to include all the hardened capabilities with enhanced construction to ensure the safe and secure operations during hurricanes and against the growing threat of terrorism of any kind —chemical, nuclear, or biological. Supporting equipment, such as computers, telephones, generators, satellite communications equipment, water purification, and other life support items are to be included in the facility. The EOC envisioned is to be located within a Public Safety Facility that also includes the Communications Technologies/911 Division, Emergency Management Administration, Fire Rescue Administration/Operations, and Public Safety Administration. Additionally planned for the facility is a centralized communication center for county agencies, to include areas for the Sheriff’s Office, Fire Rescue and Lake-Sumter Emergency Services dispatch.

Locating a site to construct an EOC has been challenging. Over the course of time no less than 12 sites have been studied and were determined unrealistic. Recently changes to the County's Capital Improvement Plan and possible opportunities to develop community partnerships has brought about the possibility of three other locations for consideration.

Project Funding

Total Cost: \$7,000,000 estimated

Current Funding Commitments:

- Department of Homeland Security \$1 million – General Construction
- State of Florida
 - State Legislature \$1 million – General Construction
 - House Bill 7121 Grant
 - \$176,815 – General Construction
 - \$1.5 million – Hardening Funds
- Lake County – land and infrastructure connection cost

Regional Impact

Because of its central location in the State of Florida the Lake County Emergency Operations Center is in the ideal location to assist in disaster management throughout the county, region, and state. It will be able to be utilized for a catastrophic event such as a hurricane that impacts both the east and west coast of central Florida or a terrorist event which contaminates the Orlando area.

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Request Changes to the Florida Fish and Wildlife Conservation Commission's Gopher Tortoise Permitting Guidelines Relating to Need for a Conservation Easement Over Long-Term Protected Recipient Sites

POSITION

The Lake County Board of County Commissioners (LCBCC) requests the Lake County Delegation request or support changes to the "Gopher Tortoise Permitting Guidelines (April 2008 (Revised April 2009))". The LCBCC request that assurance to manage long-term recipient sites on publicly held lands be given to the FFWCC without the need for a conservation easement or modification of an existing easement.

BACKGROUND/JUSTIFICATION

In November of 2004, a referendum which allowed for the issuance of bonds to fund environmentally-sensitive land acquisition was passed by greater than 70% of the vote. The funding has been used to acquire a number of properties around the county. Several of these properties possess the attributes and habitat to be considered as recipient sites for long-term gopher tortoise relocation.

Management Plans are developed for each acquired property. These Plans describe existing conditions including soils, vegetation and animal species' utilization of the property. In addition, the Plan outlines restoration and on-going management requirements to bring back or improve historic ecosystems and to maintain restored and intact ecosystems. These plans are developed with, and must be approved by, a citizen advisory council which membership includes individuals with technical backgrounds in disciplines such as biology, geology and ecology. The Plans are ultimately approved by the LCBCC.

Several of the completed Management Plans specifically call out areas of properties that appear suitable for- and/or currently support gopher tortoises. It is the LCBCC's desire to permit these areas as long-term protected recipient sites and manage as same. The guidelines require a conservation easement be placed over publicly (and privately) held lands that the public (and private) entity wishes to permit as long-term protected gopher tortoise recipient sites. Conservation easements that were previously granted by landowners to other regulatory, governmental, or conservation entities may be acceptable; however, those easements would need to be modified to designate the Florida Fish and Wildlife Conservation Commission (FFWCC) as a co-grantee or stipulates FFWCC's authority to enforce terms of easement.

To restate the position, the LCBCC believes that assurance to manage long-term recipient sites on publicly held lands can be given to the FFWCC without the need for a conservation easement or modification of an existing easement.

FISCAL IMPACT

N/A

STAFF CONTACT

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**Request Changes to Water Management District Enabling Legislation
With Regard to Enhanced Water Conservation Initiatives**

POSITION

The Lake County Board of County Commissioners (LCBCC) requests that the Lake County Delegation request/support statutory changes to require Water Management Districts to allow implementation of more stringent water conservation restrictions when the elected body of a jurisdiction deems those restrictions in the best interest of the community and enacts such restrictions by ordinance.

BACKGROUND/JUSTIFICATION

F.S. § 373.227(1) states “. . . The Legislature finds that the social, economic, and cultural conditions of the state relating to the use of public water supply vary by service area and that public water supply utilities must have the flexibility to tailor water conservation measures to best suit their individual circumstances. . .”

Over the past year, Lake County has redrafted its landscape ordinance and water conservation/irrigation ordinances. The irrigation ordinance was adopted in April after removing local initiatives that were unacceptable to the District. The landscape ordinance remains unadopted although staff has received objections from St. Johns River Water Management District (SJRWMD) staff to conservation elements it contains. Fundamental elements of both ordinances deal with increased conservation measures that go beyond those adopted by St. Johns River Water Management District adopted rules. SJRWMD continues to object to any elements that local officials feel would be beneficial which exceeds District guidelines/rules.

Examples include:

“Irrigation overspray shall be minimized.” SJRWMD objects on the basis of preemption of its authority, suggesting “Irrigation overspray should be avoided.”

“Those washing personal vehicles, boats and equipment shall use hand-held hoses equipped with an automatic shut-off nozzle.” SJRWMD objects on the basis of preemption of its authority, suggesting “shall use” be replaced with “are encouraged to use.”

Lake County municipalities attempting to adopt conservation plans more stringent than SJRWMD requirements have been required to amend plans by removing those requirements in order to receive approval of consumptive use permits.

APPROPRIATION

N/A

FISCAL IMPACT

N/A

STAFF CONTACT

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Request Changes to Water Resources Legislation with Regard to Establishment of Irrigation Wells

POSITION

The Lake County Board of County Commissioners (LCBCC) requests that the Lake County Delegation request/support statutory changes to prohibit installation of irrigation wells where other public supply or reuse/reclaimed water sources are available.

BACKGROUND/JUSTIFICATION

F.S. § 373.019(6) "Domestic use" means the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic.

*F.S. § 373.219(1) The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. **However, no permit shall be required for domestic consumption of water by individual users.***

St. Johns Water Management District does not regulate or issue permits for any well smaller than 6" diameter (40C-3.041(3), FAC). For this reason, it has become common practice for individual homeowners, businesses, local governments, etc. to install small diameter irrigation wells where public supply water sources are readily available. This practice is encouraged by some providers as a means of minimizing quantity impacts of irrigation on consumptive use permit thresholds. Other providers object to loss of revenue caused by this alternative source. These actions also eliminate any monitoring or reporting of withdrawals for irrigation, as no flow or volume meter is required for installation. Effectively, the use becomes unregulated, and what can be substantial withdrawals become invisible.

Instances have occurred where the permitting side of SJRWMD has encouraged or required local municipal permit holders to prohibit irrigation wells where service is provided in order to obtain a permit. At the same time, SJRWMD legal counsel has told citizens in the same jurisdiction that the municipality has no legal authority to impose the requirement.

Where establishment of a well is required for domestic uses, when other sources of potable water are clearly unavailable, there is no question a well should be allowed for that purpose. The statutory definition of "domestic use" does not, however, extend to outside uses such as irrigation and no statutory right for such use exists.

Recommendation is to amend statute to prohibit installation of any well for purpose of landscape or turf irrigation where any other public supply source (public, private, or otherwise) of potable, reclaimed/ reuse, or other water of suitable quality is available adjacent to or within 100 feet of any property line.

FISCAL IMPACT

N/A

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**Request Changes to Water Management District Enabling Legislation
With Regard to Public Interest Determination**

POSITION

The Lake County Board of County Commissioners (LCBCC) requests the Lake County Delegation request/support statutory changes within the boundaries of the Central Florida Coordination Area (CFCA) requiring the Governing Board of the applicable Water Management District to defer to local County and municipal governments when issuing Consumptive Use Permits (CUPs) to proposed bottling plants within their jurisdictional boundaries if and when the local government finds the issuance of said permit is not in the public interest and adopts a resolution to that effect.

BACKGROUND/JUSTIFICATION

In 2006, the Governing Boards of St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District (SWFWMD), and South Florida Water Management District (SFWMD) recognized the need for additional cooperation and coordination with regard to issuance of CUPs, identifying and permitting of alternative water supplies, and aggressive conservation measures. Over the next two years, this recognition led to the establishment of the CFCA and revisions to permitting processes.

In 2007 and 2008, Niagara Bottling Company proposed and applied for a CUP to withdraw water from the Floridan Aquifer in South Lake County, Florida. Staff of the SJRWMD recommended approval of the CUP and the issuance is currently held in abeyance pending appeal by Lake County and the City of Groveland through the Department of Administrative Hearings.

Coincident with this application, SJRWMD began a campaign to stress the importance of water conservation among the general populace, proposed rule changes to landscape irrigation, strongly advocated development of alternative water supply projects, and conducted a study on the impacts of domestic self supply wells within Lake County. All the while, the District has stressed the year 2013 as the limit of a sustainable water supply in Central Florida.

Both Lake County and Groveland have publicly stated their repeated objections to issuance of a CUP to Niagara as not being in the public interest. Likewise, public outcry over the diametrically opposed messages (conservation vs. bottling water for shipment elsewhere) has been profound and long-lasting.

FAC 40C-2.301 (2) states "To obtain a consumptive use permit for a use which will commence after the effective date of implementation, the applicant must establish that the proposed use of water:

- (a) Is a reasonable-beneficial use; and
- (b) Will not interfere with any presently existing legal use of water; and
- (c) **Is consistent with the public interest** (emphasis added)."

APPROPRIATION

N/A

FISCAL IMPACT

N/A

STAFF CONTACT

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**Request Support of Legislation Prohibiting Inmates Sentenced for 366 Days or More
From Serving Their Sentences in County Jails**

POSITION

The Lake County Board of County Commissioners (LCBCC) requests that the Lake County Delegation request/support legislation that prohibits inmates who are sentenced for 366 days or more from serving their sentences in county jails after October 1, 2009.

The Lake County Board of County Commissioners (LCBCC) also requests support of legislation that requires the Florida Department of Corrections (DOC) to pay for prisoners ("prisoner" is defined as an offender who is incarcerated for at least 366 days or more, or a felony VOP that is held in a county jail, prior to disposition, for more than 30 days) housed in county jails based on DOC's annual estimated cost per day.

BACKGROUND/JUSTIFICATION

Counties are required to construct, staff and maintain jails to house pre-trial defendants and post trial defendants sentenced to terms of incarceration of 365 days or less. Defendants who are sentenced for 366 days or more are housed in the state prison system. When defendants who should be housed in the state prison system are required to be housed in county jails, counties incur significant expenses. These expenses include the costs of housing and supervising the inmates, but just as important are the capital costs necessary to construct county jail beds to hold these prisoners.

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